

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NIKKO MATERIALS USA, INC. d/b/a  
GOULD ELECTRONICS, INC., an  
Arizona Corporation,

No. C 03-2549 SBA

## ORDER

## Plaintiffs,

V.

R.E. SERVICE CO., INC., a California corporation,

**Defendant.**

On August 30, 2005, this Court was given notice that R.E. Service Co., Inc. ("RES") filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code on July 29, 2005 in the United States Bankruptcy Court, Eastern District of California, Bankruptcy Petition No. 05-29226. This Court currently has under submission several post-trial motions affecting the final judgment in this matter. However, although the post-trial motions are fully briefed and the Court is ready to issue its rulings on the motions, pursuant to 11 U.S.C. § 362(a)(1), it appears that RES' Chapter 11 bankruptcy petition stays any further proceedings in this Court.

Accordingly,

IT IS HEREBY ORDERED THAT the parties shall notify the Court in writing within thirty (30)  
days of the date of this Order whether they have obtained relief from the bankruptcy stay and whether they

1 wish to proceed with the above-captioned action. If the parties do not inform the Court within thirty days  
2 that relief from the stay has been obtained, all pending matters will be terminated and this case will be  
3 dismissed without prejudice to being reopened upon the conclusion of the bankruptcy proceedings.

4 IT IS FURTHER ORDERED that, if the parties believe that 11 U.S.C. § 362(a)(1) does not  
5 automatically stay this action, the parties shall notify this Court in writing within fourteen (14) days of the  
6 date of this Order and shall provide the Court with relevant authorities in support of their position.

7 IT IS SO ORDERED.

8 Dated: 11/16/05

*Saundra B. Armstrong*  
9 SAUNDRA BROWN ARMSTRONG  
United States District Judge